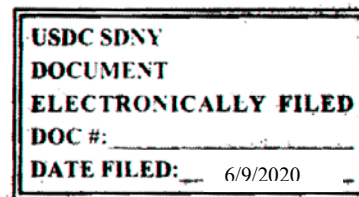


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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E&T SKYLINE CONSTRUCTION, LLC,

Plaintiff,

19-CV-08069 (AT)(SN)

-against-

ORDER

TALISMAN CASUALTY INSURANCE COMPANY,
LLC,

Defendant.

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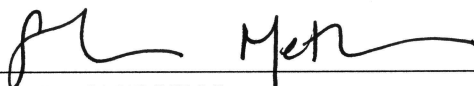
SARAH NETBURN, United States Magistrate Judge:

Plaintiff E&T Skyline Construction, LLC, requests that the deposition of Dan Pirvulescu, the representative for non-party NY Renaissance Corp. (“NYR”), scheduled for June 11, 2020, at 11:00 a.m., proceed via video conference. NYR opposes the request, arguing that the deposition should proceed by telephone, recorded by stenographic means, and with Mr. Pirvulescu viewing exhibits on his personal computer because (1) a deposition by videoconference was not noticed, and (2) Mr. Pirvulescu is without the personal technical capacity to conduct the deposition by video. Plaintiff responded by offering to coordinate the delivery of a laptop with a camera to Mr. Pirvulescu for his use during the deposition at Plaintiff’s sole cost and expense. NYR objects to that arrangement, citing potential COVID-related health concerns posed by such a delivery.

It is ORDERED that the deposition shall be conducted by video conference and be recorded by a stenographer. Because the subpoena failed to give notice that the deposition would be recorded by video, the use of a video conferencing platform shall be used to conduct the deposition but may not be used to record it. Fed. R. Civ. P. 30(b)(3)(A). Plaintiff shall arrange to

deliver a clean and disinfected laptop by safe and socially distant means to Mr. Pirvulescu, to arrive no later than June 10, 2020.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: June 9, 2020
New York, New York